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Gil Newsom

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EXAMINER

LE, LANA N

ART UNIT

PAPER NUMBER

2685

3

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,679

Applicant(s)

NEWSOM, GIL

Examiner

Lana Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 2, 4, 6, 7, 9 and 10 are objected to because of the following informalities:

With regards to claim 1, in the preamble of the claim, it lacks the word ---an--- before ---electrical circuitry--- in line 4 after ---supply and--- to show an introduction to a new term that hasn't been presented earlier in the claim, or another way of putting the same antecedent basis ---an--- for ---circuitry--- with ---an electrical power supply--- is by deleting the word ---electrical--- in front of ---circuitry--.

With regards to claim 2, lines 2-5, claim 6, lines 2-5 and claim 10, lines 14-17, they state "an inline volume control means for adjusting the volume of said speaker and said microphone...., and disposed,....and electrically connected between....." There is a minor grammatical error in which too many "and"s are used in one sentence. A suggestion is "an inline volume control means disposed in said electrical cord for adjusting the volume of said speaker and said microphone and electrically connected between.....".

With regards to claims 4 and 9, they contain minor informalities in line 4 of claim 4 and lines 3-4 of claim 9, the phrase ---integral with said cushioned, body--- should be ---integral with said cushioned body---. Appropriate correction is required.

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With regards to claim 7, it might be mistyped as to being dependent on claim 1. It should depend on independent claim 5, the preamble of claim 7 only states "The detachable neckroll..." following sequential number order to dependent claims 6, 8-9, the preamble of claims 6, 8-9 which also state "The detachable neckroll..." which are dependent upon independent claim 5, wherein independent claim 5 state "A detachable neckroll for use with a cellular telephone.....". The preamble of the dependent claims 2-4 which are dependent upon independent claim 1 state "The detachable neckroll and cellular telephone..." referring to "The detachable neckroll *in combination* with a cellular telephone" in the preamble of claim 1. Therefore, if claim 7 is to depend on claim 1 as claimed, it might lack antecedent basis for the "...*in combination* with a cellular telephone" and if corrected to include "the detachable neckroll and cellular telephone of claim 1" it will be a duplicate of claim 3. Therefore, it should depend on claim 5.

Specification

2. The disclosure is objected to because of the following informalities:

Driver 100 at page 8, line 7 seems to be a mistype for "driver 110" as shown in figure

1. Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numeral 122. The specification talks about eyes but does not

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point to reference numeral 142. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application.

4. The drawings are objected to because the specification does not specifically point out which figure some of the reference numerals in the specification belong to, i.e. speaker 118 is described in the specification in the figure 1 section and figure 2 section but not shown until figure 3 of the drawings; i.e. cord ends 148, 150, and phone plug 130 is described in the specification in the figure 1 section but not shown until figure 2 of the drawings. Reference numeral 152 is again mentioned as part of figure 3 but not labeled in figure 3 and the reference numeral 152 is shown in figure 1 but not described in figure 1 section of the specification. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "100" has been used to designate both "cellular phone neckroll" at page 9 line 14 and "neckroll" at page 8, line 26 and "unit" at page 8 line 22 and "driver" at page 8 line 7. Reference character "110" has been used to designate

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both "person", "driver" and "user". This appears to be ok since they all refer to the same person. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 05/16/01 has been received and placed of record in the file, the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Priority

7. Acknowledgment is made of a claim for provisional priority under USC 119(e).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al (US 6,272,360) in view of Hennington (US 4,758,047), in view of Olausson et al (US 5,687,230) and further in view of Hahn et al (US 6,078,825).

Regarding claim 1, Yamaguchi et al discloses a detachable neckroll (1, 242, 3 of figs. 24 & 25) in combination with a cellular telephone (col 13, lines 27-29) comprising:

a cloth (242) adapted for housing a circuitry (transmitter 1 and receiver 3; col 13, lines 9-26);

means for attaching (coupling means or similar attachment device for belt cloth) the cloth (242) to a headrest (241) of an automobile seat (col 13, lines 21-25);

at least one speaker (3) incorporated into the cloth (242) (col 13, lines 25-26; col 13, lines 16-18);

at least one boom microphone 13 within transmitter 1 (figs. 24 & 22) attached to the cloth (242) (col 13, lines 10-15; col 13, lines 35-38); and

an electrical cord 17 (figs. 1a & 22) connected to the cloth (242) via the microphone (13) (col 13, lines 9-15) for electrically connecting the microphone and the speaker and therefore inherently to the portable telephone through (21) of figs. 1a & 22 (col 4, lines 33-38; col 13, lines 27-29; col 12, line 48-49).

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Yamaguchi et al fail to disclose:

the neckroll in combination with a cellular telephone further comprising a cushioned body; the microphone is pivotally attached to the cushioned body; and the cushioned body adapted for housing an electrical power supply and an electrical circuitry.

However, in the same field of endeavor, Hennington discloses a neckroll comprising a cushioned body 5 (col 2, lines 30-41; figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a cushioned body in order to allow a padded material to be used rather than just the cloth of Yamaguchi et al for a more comfortable support for the head and neck of the user as suggested by Hennington (col 1, lines 44-47) and to optionally extend the speaker and microphone further outward from the normal upper head extension of the seat back with an additional cushioned extension of Hennington so that the user doesn't have to lay all the way back onto the normal upper head extension of the seat back but seated with his/her head in a more upright position to provide a safer driving condition.

Yamaguchi et al and Hennington fail to further disclose:

the microphone is pivotally attached to the cushioned body; and the cushioned body adapted for housing an electrical power supply and electrical circuitry.

However, Olausson et al disclose the microphone is pivotally attached via 12 to a cushioned body 1 (col 2, lines 13-23; figs. 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to place the microphone towards the user's mouth position in an adjustable manner based on each particular user's size and shape and where his/her mouth's position is even suggested

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by Yamaguchi et al in which the microphone is placed "in a manner that the tip of the microphone is directed to the mouth of the user" (col 13, lines 11-15) when the neckroll in combination with the cellular telephone is in use and also to more conveniently allow the user to move the microphone to an upward position as shown in figures 2-3 of Olausson et al when the microphone is not in use to avoid taking up a lot of space for the neckroll with the cellular phone when it is not in use as suggested by Olausson et al (col 2, lines 18-23; col 2, lines 50-53).

Yamaguchi et al, Hennington, and Olausson et al fail to further disclose:

the cushioned body is adapted for housing an electrical power supply and electrical circuitry. However, Hahn et al discloses a hands-free device adapted for housing an electrical power supply 22 and electrical circuitry 46 (figs. 1a & 3; col 4, line 65 - col 5, line 26). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a power supply and electrical circuitry in a hands-free device including a speaker and microphone in order to provide the power needed and to have circuit means to connect the power supply to the handsfree circuitry of Yamaguchi et al, Hennington, or Olausson et al when there's no external power source or have the battery attached to the speaker of Yamaguchi et al, Hennington, or Olausson et al since it does not matter and not a significant necessity where the battery is disposed but to optionally provide a concealed power source to avoid the mess of having a power supply attached elsewhere with a handsfree device.

Regarding claim 3, Yamaguchi et al, Hennington, Olausson et al, and Hahn et al disclose the detachable neckroll and cellular telephone according to claim 1, wherein

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Yamaguchi et al further disclose the speaker 3 is laterally disposed in an end of the neckroll (fig. 25; col 13, lines 16-18).

Regarding claim 4, Yamaguchi et al, Hennington, Olausson et al, and Hahn et al disclose the detachable neckroll and cellular telephone according to claim 1, in addition Yamaguchi et al discloses the means for attaching the neckroll to a headrest of an automobile seat comprises a strap (coupling means; col 13, lines 21-25) having a first end integral with the cushioned body (as with a stitch to attach a zipper to the cloth at one of the ends; col 13, lines 21-25) and a second end having a fastening material (coupling means or similar attachment device for belted cloth; col 13, lines 21-25) attached thereto, with the second end of the strap being removably fastened to the cushioned body (by detaching the coupling or attachment means at other end of belt-like cloth; col 13, lines 19-26).

Hennington discloses a strip of hook and loop fastening material (col 2, lines 57-61) and the strap 22 attached to a cushioned body 5 being adapted for wrapping around the back of the headrest 3 as shown in figure 1 (col 2, lines 62-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a strip of hook and loop fastening material as one type of coupling means for the belted cloth of Yamaguchi et al in order to have a fabric closure strip type of fastening material as one alternative kind of material within the attachment strap taught by Yamaguchi et al and to modify the belted cloth of Yamaguchi et al to extend the coupling means of Yamaguchi et al to wrap the strap around the headrest instead of just the two ends in order to provide tighter adherence of the neckroll to the headrest and convenient and

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fast removal from the head extension of the car seat as suggested by Hennington (col 1, lines 55-59) by lifting up instead of having to fasten at the two ends.

Regarding claim 7, Yamaguchi et al, Hennington, Olausson et al, and Hahn et al disclose the detachable neckroll according to claim 1, in addition, Yamaguchi et al further discloses the speaker is laterally disposed in an end (right end) of the neckroll (fig. 25; col 13, lines 16-18).

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olausson et al (US 5,687,230) in view of Hahn et al (US 6,078,825).

Regarding claim 5, Olausson et al discloses a detachable neckroll (see fig. 1 wherein the neckroll is in a "dismounted" or detachable state via connector 8) for use with a cellular telephone connected to plug 5 (fig. 1; col 2, lines 2-3; col 1, lines 61-62) comprising:

a cushioned body 1 (fig. 1) adapted for housing an electrical circuitry (electrical connections to wiring 4 not shown; col 2, lines 7-10);

at least one speaker 3 (fig. 1; col 2, lines 4-9) incorporated into the cushioned body 1;

at least one boom microphone 6 (fig. 1) pivotally attached via 12 to the cushioned body 1 (col 2, lines 13-23; see also figs. 2-3 where the microphone is moved pivotally to another position; col 2, lines 39-53); and

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an electrical cord 4 connected to the cushioned body for electrically connecting the microphone 6 and the speaker 3 to the cellular telephone via plug 5 (col 2, lines 7-12).

Olausson et al fails to further disclose:

the cushioned body is adapted for housing an electrical power supply.

However, in the same field of endeavor, Hahn et al discloses a hands-free device adapted for housing an electrical power supply 22 and electrical circuitry 46 (figs. 1a & 3; col 4, line 65 - col 5, line 26). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a power supply and electrical circuitry in a hands-free device including a speaker and microphone in order to provide the power needed and to have circuit means to connect the power supply to the handsfree device of Olausson et al when there's no external power source or have the battery coupled to the speaker 14 via 12 as taught by Hahn et al (fig. 1a) incorporated in the headrest of Olausson et al since it does not matter and not a significant necessity where the power supply is disposed but to optionally provide a concealed power source to avoid the mess of having a power supply attached elsewhere with the handsfree device of Olausson et al.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olausson et al (US 5,687,230) in view of Hahn et al (US 6,078,825) as applied to claim 5 above, and further in view of Yang (US 6,097,827).

Regarding claim 6, Olausson et al and Hahn et al disclose the detachable neckroll according to claim 5, wherein Olausson et al and Hahn et al didn't disclose the detachable neckroll further comprises an inline volume control means for adjusting the volume of the speaker and the microphone, and disposed in the electrical cord, and electrically connected between the speaker, the microphone and the cellular telephone. However, Yang discloses an inline volume control means (col 3, lines 63-65) for adjusting the volume of the speaker 42 and the microphone 56, and disposed in the electrical cord 60, and electrically connected between the speaker 42, the microphone 56 and the cellular telephone 80 (col 3, lines 40-46; col 3, lines 63-65; figs. 3 & 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to add a volume control means on the cord 4 taught by Olausson et al and Hahn et al in order for the user to conveniently and easily adjust the audio control to his/her desired level and to control the loudness he/she wants the called party to hear his/her voice without distracting the user away from driving to search for the volume control knob on the portable phone.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olausson et al (US 5,687,230) in view of Hahn et al (US 6,078,825) as applied to claim 5 above, and further in view of Hennington (US 4,758,047).

Regarding claim 8, Olausson et al and Hahn et al disclose the detachable neckroll according to claim 5. Olausson et al and Hahn et al fail to disclose the

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detachable neckroll further comprises means for attaching the neckroll to a headrest of an automobile seat.

However, Hennington discloses a detachable neckroll 5 comprising means, strap 22 (fig. 1; col 2, lines 62-64) for attaching the neckroll 5 to a headrest 3 of an automobile seat 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have means for attaching a neckroll to the head extension 3 of the automobile seat of Olausson et al in order to secure to the original car seat head extension a padded material for a more comfortable support for the head and neck of the user, and to optionally stretch the speaker and microphone further outward from the normal upper head extension of the seat back of Olausson et al with an additional cushioned pillow of Hennington so that the user doesn't have to lay all the way back onto the normal upper head extension of the seat back but seated more upright with the cushioned pillow tightly attached so it doesn't fall down while the user is driving for driving safety purposes.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olausson et al (US 5,687,230) in view of Hahn et al (US 6,078,825) as applied to claim 5 above, in view of Hennington (US 4,758,047) as applied to claim 8 above, and further in view of Yamaguchi et al (US 6,272,360).

Regarding claim 9, Olausson et al, Hahn et al, and Hennington disclose the detachable neckroll according to claim 8, wherein Hennington further discloses the means for attaching the neckroll to a headrest of an automobile seat comprises a strap

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having a first end integral (by stitch) with the cushioned body 5,6 (fig. 1; col 2, lines 57-61) and a second end having a strip of hook and loop fastening material attached thereto (col 2, lines 57-61), the strap 22 being adapted for wrapping around a headrest 5 (col 2, lines 57-64; fig. 1).

Olausson et al, Hahn et al, and Hennington didn't disclose:

the means for attaching the neckroll to a headrest of an automobile seat comprises a second end of the strap which is removably fastened to the cushioned body.

Yamaguchi et al further discloses the means for attaching the neckroll to a headrest of an automobile seat comprises the second end of the strap being removably fastened to the cushioned body (by detaching the attaching device means at one of the ends or by unzipping one of the ends; col 13, lines 19-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to slightly modify the attachment means of the neckroll to the carseat's head extension 3 of Hennington by having a second end of the strap removably fastened to the cushioned body in order to provide an alternative way to remove the neckroll 5 of Hennington without having to lift the neckroll 5 out from the headrest 3 as taught by Hennington but rather to loosen one of the straps from the neckroll end 22.

13. Claims 2, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al (US 6,272,360) in view of Hennington (US 4,758,047), Olausson et al (US 5,687,230), Hahn et al (US 6,078,825) and Yang (US 6,097,827).

Regarding claim 2, Yamaguchi et al, Hennington, Olausson et al, and Hahn et al disclose the detachable neckroll and cellular telephone according to claim 1, wherein

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Yamaguchi et al, Hennington, Olausson et al, and Hahn et al fails to further disclose the detachable neckroll and cellular telephone comprises an inline volume control means for adjusting the volume of the speaker and the microphone, and disposed in the electrical cord, and electrically connected between the speaker, the microphone and the cellular telephone.

However, Yang discloses an inline volume control means (volume controller) for adjusting the volume of the speaker and the microphone (col 3, lines 63-65), and disposed in the electrical cord 60, and electrically connected between the speaker 42, the microphone 56 and the cellular telephone 80 (col 3, lines 40-46; col 3, lines 63-65; figs. 3 & 4). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a volume control means on the cord of Yamaguchi et al, Hennington, Olausson et al that connects to the cellular telephone in order for the user to conveniently and easily adjust the audio control to his/her desired level and to control the loudness he/she wants the called party to hear his/her voice without distracting the cell phone's user away from driving to search for the volume control knob on the portable phone.

Regarding claim 10, Yamaguchi et al disclose a detachable neckroll (1, 3, 242 ;figs. 24-25) for use with a portable telephone (col 13, lines 27-29) comprising:

a cloth 242 adapted for housing a circuitry (transmitter 1 and receiver 3; col 13, lines 9-26);

means for attaching (coupling means or other similar attachment device) the neckroll 1, 3, 242 to the headrest 241 of an automobile seat (col 13, lines 21-25);

at least one speaker (3) incorporated into the cloth (242), the speaker being laterally disposed in an end of the neckroll (col 13, lines 25-26; col 13, lines 16-18);

at least one boom microphone 13 (figs. 24 & 22) attached to the cloth 242 (col 13, lines 10-15; col 13, lines 35-38); and

an electrical cord 17 (figs. 1a & 22) connected to the cloth via the microphone 13 (col 13, lines 9-15) for electrically connecting the microphone and the speaker and therefore inherently to the portable telephone through 21 of figs. 1a & 22 (col 4, lines 33-38; col 13, lines 27-29; col 12, lines 48-49).

Yamaguchi et al fail to disclose: the neckroll further comprising a cushioned body, the microphone is pivotally attached to the cushioned body; the cushioned body adapted for housing an electrical power supply and electrical circuitry; and an inline volume control means for adjusting the volume of the speaker and the microphone, and disposed in the electrical cord, and electrically connected between the speaker, the microphone and the cellular telephone.

However, Hennington discloses a neckroll 5, 6 comprising a cushioned body 5 (col 2, lines 30-41; figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute a cushioned body in order to allow a padded material to be used rather than just the cloth of Yamaguchi et al to allow a more comfortable support for the head and neck of the user as suggested by Hennington (col 1, lines 44-47) and to optionally extend the speaker and microphone further outward from the carseat's head extension of Yamaguchi et al with the additional pillow of Hennington so that the user doesn't have to lay all the way back onto the

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normal upper head extension of the seat back but seated with head upright for safer driving conditions.

Yamaguchi et al and Hennington fail to further disclose:

the microphone is pivotally attached to the cushioned body; the cushioned body adapted for housing an electrical power supply; and an inline volume control means for adjusting the volume of the speaker and the microphone, and disposed in the electrical cord, and electrically connected between the speaker, the microphone and the cellular telephone.

However, Olausson et al discloses the microphone is pivotally attached via 12 to a cushioned body 1 (col 2, lines 13-23; fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to place the microphone of Yamaguchi et al towards the user's mouth position in an adjustable manner based on each particular user's size and shape and where his/her mouth's position is as suggested by Yamaguchi et al in which the microphone is placed "in a manner that the tip of the microphone is directed to the mouth of the user" (col 13, lines 11-15) when the neckroll in combination with the cellular telephone is in use and also to more conveniently allow the user to move the microphone to an upward position as shown in figures 2-3 of Olausson et al when the microphone is not in use to avoid taking a lot of space to store the neckroll with cellular phone or to take the space in front of the user's face which might be bothersome when it is not in use discussed by Olausson et al (col 2, lines 18-23; col 2, lines 50-53).

Yamaguchi et al, Hennington, and Olausson et al fail to further disclose:

the cushioned body is adapted for housing an electrical power supply and electrical circuitry. However, Hahn et al discloses a hands-free device adapted for housing an electrical power supply 22 and electrical circuitry 46 (figs. 1a & 3; col 4, line 65 - col 5, line 26). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a power supply and electrical circuitry in a hands-free device including a speaker and microphone in order to provide the power needed and to have circuit means to connect the power supply to the handsfree phone of Yamaguchi et al, Hennington, and Olausson et al to work when there's no external power source or have the battery attached to the speaker incorporated into the headrest of Yamaguchi et al, Hennington, or Olausson et al since it is not significant where the battery is disposed but to optionally provide a concealed power source to avoid the mess of having a power supply attached elsewhere with a handsfree device.

Yamaguchi et al, Hennington, Olausson et al, and Hahn et al fail to further disclose: an inline volume control means for adjusting the volume of the speaker and the microphone, and disposed in the electrical cord, and electrically connected between the speaker, the microphone and the cellular telephone.

Yang discloses an inline volume control means (volume controller) for adjusting the volume of the speaker and the microphone (col 3, lines 63-65), and disposed in the electrical cord 60, and electrically connected between the speaker 42, the microphone 56 and the cellular telephone 80 (col 3, lines 40-46; col 3, lines 63-65; figs. 3 & 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention was made to have a volume control means on the cord of Yamaguchi et al, Hennington, Olausson et al, and Hahn et al that connects to the cellular telephone in order for the user to more conveniently and easily adjust the audio control to his/her desired level and to control the loudness he/she wants the called party to hear his/her voice without distracting the user from driving to search for the volume control knob on the portable phone.

Regarding claim 11, Yamaguchi et al, Hennington, Olausson et al, Hahn et al, and Yang disclose the detachable neckroll according to claim 10, in addition Yamaguchi et al further discloses the means for attaching the neckroll to a headrest of an automobile seat comprises a strap (coupling means) having a first end integral (as with a stitch to attach a zipper; col 13, lines 21-24) with the cushioned body (by an attachment device attached to the cloth at one of the ends; col 13, lines 21-25) and a second end having a fastening material (coupling means or similar attachment device for belt cloth; col 13, lines 21-25) attached thereto, with the second end of the strap being removably fastened to the cushioned body (by detaching the coupling means at one of the ends; col 13, lines 19-26).

Hennington discloses a strip of hook and loop fastening material (col 2, lines 57-61) and the strap 22 attached to a cushioned body 5 being adapted for wrapping around the headrest 3 as shown in figure 1 around the back of headrest 3 (col 2, lines 62-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a strip of hook and loop fastening material in order to have a fabric closure strip type of material as one alternative type of fastening materials used within

the cloth's coupling means of Yamaguchi et al to attach to the head extension of the carseat and to modify the coupling means of Yamaguchi et al by extending the coupling means to wrap around the headrest instead of just at the ends as in Yamaguchi et al in order to have convenient and fast removal from the head extension of the car seat as suggested by Hennington (col 1, lines 55-59) by lifting the cushioned body up instead of having to fasten at the two ends.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Albanese et al (US 6,108,506), Hands-free Mobile Telephone.

- Stanford et al (US 5,701,356), Neck Engageable Transducer Support Assembly and Method of Using Same.

- Ishibashi (US 6,111,964), Microphone Device Navigation System, Communication Device, Audio Device, and Motor Vehicle.

- Marui et al (US 5,590,414), Adapter unit for a Portable Radio Telephone Enabling Either One of Data Transmission and Hand-Free Operation.

- Watanabe (US 4,490,842), Headset Speaker Device.

- Wang (US 6,272,362), Hand-Free Handset For Use With a Cellular Telephone in an Automobile.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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A handwritten signature in black ink, appearing to read 'Lana Le', with a stylized flourish at the end.

Lana Le

June 18, 2004